

**MINUTES  
CITY OF CANANDAIGUA  
ZONING BOARD OF APPEALS**

February 19, 2020

PRESENT: Ryan Akin, Chair Julie Harris  
Carol Henshaw Susan Haller  
James Hitchcock

ABSENT: Joseph Bader, Vice Chairman  
James Davern

ALSO PRESENT: Richard E. Brown, Zoning Officer

## ORGANIZATIONAL MEETING

Mr. Richard Brown, Zoning Officer, called to order the 2020 Organizational Meeting of the Zoning Board of Appeals at 7:00 P.M.

Mr. Brown asked for nominations for Chair. Mr. Hitchcock nominated Ryan Akin for Chair. Ms. Haller seconded the motion which was approved by unanimous voice vote (4-0).

Chair Akin asked for nominations for Vice Chair. Ms. Haller nominated Joseph Bader for Vice Chair. Ms. Henshaw seconded the motion which was approved by unanimous voice vote (4-0).

Ms. Henshaw moved to establish the regular meeting on the third Wednesday of each month at 7:00 P.M. Ms. Haller seconded the motion which was approved by unanimous voice vote (5-0).

Ms. Harris moved that the Chair be authorized to call Special Meetings as needed. Ms. Haller Bader seconded the motion which was approved by unanimous voice vote (5-0).

Ms. Haller moved that all meeting be run in accordance to Robert's Rules of Order. Ms. Henshaw seconded the motion which was approved by unanimous voice vote (5-0).

## ADJOURNMENT

Ms. Haller moved to adjourn the organizational meeting at 7:03 P.M. Ms. Henshaw seconded the motion which was approved by unanimous voice vote (5-0).

**CALL TO ORDER:**

Chairman Akin called to order the regular meeting of the Zoning Board of Appeals at 7:04 P.M.

## APPROVAL OF MINUTES

Chairman Akin asked if anyone had any corrections or additions to the Regular Meeting Minutes of December 18, 2019. Mr. Hitchcock moved to approve the minutes as written. Ms. Haller seconded the motion, which carried by unanimous voice vote (5-0).

**REVIEW OF APPLICATIONS:**

**ITEM 1**      **Application #20-015A: 41 South Main Street, CHOSEN SPOT APARTMENTS LLC, for an Area Variance necessary to create a downtown apartment of 512 SF. In accordance with Schedule 3 of the Zoning Ordinance of the City of Canandaigua, the minimum size for downtown apartments is 550 SF.**

Robert Taylor, the property owner, presented the application. He recently purchased the building containing the storefronts *Mad Styles* and *RS Signature Kitchens*. He is proposing to add two apartments to the currently abandoned office space on the second floor. This proposal is in line with the Canandaigua Business Improvement District's vision for more apartments in this area. One apartment will be a small studio and the other will be a large, one bedroom.

Mr. Taylor is seeking an area variance for a studio apartment that is 512 square feet. Although the minimum size required is 550 square feet, he believes other areas of the city require only 500 square feet. He believes smaller apartments are becoming a trend. He provided examples of quality, small apartments in various cities.

Chairman Akin opened the Public Hearing. There was no one wishing to speak, so the Public Hearing was closed.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Chairman Akin noted that this project would not change the outside appearance of the building and there would be a minimal change in the number of tenants.

Ms. Henshaw recognized that there are currently apartments on the second floor, so this would not be a significant difference.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Ms. Haller asked if moving a wall would prevent the need for a variance.

Mr. Taylor explained that there are layout constraints due to the location of the existing walls and windows.

Chairman Akin agreed that this would not be a feasible method.

Regarding question #3: *Show that the requested variance is not substantial.*

Mr. Hitchcock noted that the size of the variance is roughly the same size as a sheet of plywood and is not substantial. Chairman Akin agreed.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Mr. Hitchcock believes the proposal is in line with the plan for second story apartments downtown. Also, the change would affect the interior only.

Chairman Akin mentioned that the size of the apartments will not have an impact; there will still be two.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Chairman Akin believes the existing layout created the need for this variance.

Ms. Henshaw feels that it is self-created.

Chairman Akin asked if there were any other comments or questions. Hearing none, he called for a motion.

Ms. Haller that the board **Approve** the application as submitted and presented for the following reasons:

- #1. The granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- #2. The benefit sought by the applicant cannot be achieved by some other feasible means that would not require a variance.
- #3. The variance is not substantial.
- #4. The proposed variance will not have an adverse impact on the environmental conditions in the neighborhood.

Ms. Harris seconded the motion, which ***carried*** with a roll call vote of (5-0):

Joseph Bader	Absent	
James Davern	Absent	
Julie Harris	Voting	YES
Carol Henshaw	Voting	YES
Susan Haller	Voting	YES
James Hitchcock	Voting	YES
Ryan Akin	Voting	YES

**ITEM 2**      **Application #20-030: 251 Roseland Lane, SILVIO and COLLEEN PALERMO, for an Area Variance necessary to construct an addition within 19 feet of the rear property line. In accordance with Schedule 1 of the Zoning Ordinance of the City of Canandaigua, the minimum rear yard setback is 30 feet.**

Architect Richard Krenzer presented the application. The homeowner is proposing a 14' x 14' one-story addition over the existing patio. The adjacent property is not another residence, but the parking lot of the Canandaigua Country Club.

Chairman Akin opened the Public Hearing. There was no one wishing to speak, so the Public Hearing was closed.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Ms. Haller believes the addition is of the same character as other nearby properties.

Mr. Hitchcock noted that the closest property is a parking lot.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Ms. Henshaw said the existing lot lines cause the need for a variance.

Mr. Hitchcock said that since there is only 25 feet from the property line, any size addition would require a variance.

Regarding question #3: *Show that the requested variance is not substantial.*

Ms. Henshaw feels that due to the positioning of the building, it is not substantial.

Ms. Haller feels it is substantial.

Ms. Harris asked if the proposed addition is bigger than the existing patio. Mr. Krenzer said it will be approximately two feet larger.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Ms. Henshaw is not concerned with any drainage issues.

Chairman Akin noted the impervious layer that is already there from the existing patio.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Ms. Henshaw believes it is self-created.

Chairman Akin pointed out that the building placement is unique to other buildings in the area.

Chairman Akin asked if there were any other comments or questions. Hearing none, he called for a motion.

Mr. Hitchcock moved that the board Approve the application as submitted and presented for the following reasons:

- #1. The granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- #2. The benefit sought by the applicant cannot be achieved by some other feasible means that would not require a variance.

Ms. Henshaw seconded the motion, which *carried* with a roll call vote of (5-0):

Joseph Bader	Absent	
James Davern	Absent	
Julie Harris	Voting	YES

Carol Henshaw	Voting	YES
Susan Haller	Voting	YES
James Hitchcock	Voting	YES
Ryan Akin	Voting	YES

**ADJOURNMENT**

Ms. Harris moved to adjourn the meeting at 7:20 P.M., seconded by Mr. Hitchcock and carried by unanimous voice vote (5-0).

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Richard E. Brown, Secretary

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Ryan Akin, Chairman